



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Ted K. Ringsred
3M/Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, MN 55133-3427

In Re: Patent Term Extension
Application for
U.S. Patent No. 5,238,944

APPLICATION NOT ELECTED

The application for patent term extension for U.S. Patent No. 5,238,944, which claims the human drug product ALDARA™, is dismissed.

A single request for reconsideration of this dismissal of the application for patent term extension may be made if filed within one month of the date of this notice. Extensions of time under 37 CFR § 1.136(a) are not applicable to this time period.

The application for patent term extension for U.S. Patent No. 4,689,338 was extended based upon the regulatory review period of ALDARA™. Since only one patent may be extended based upon the regulatory review period of a product, the application for patent term extension for 5,238,944 cannot be granted.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box Patent Ext.
Washington, D.C. 20231

By FAX: (703) 872-9411
Attn: Office of Patent Legal Administration

Telephone inquiries related to this determination should be directed to the undersigned at (703) 306-3159.

Karin Tyson
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: David T. Read
Acting Director Health Assessment Policy Staff, CDER
Food and Drug Administration
1451 Rockville Pike, HFD-7
Rockville, MD 20852

RE: ALDARA™
FDA Docket No.: 97E-0269